

**NC BROWNFIELDS**  
**LAND USE RESTRICTIONS ("LUR") UPDATE**

**Year Certification Made: 2016**



**Name:** Wilson Landfill WWTP  
**Project #:** 07023-03-098

**Address:** 6700 Ward Blvd., Thorne Ave.  
**County:** Wilson

**Prospective Developer:** Echo Bravo LLC

Read the following LURs and mark each restriction accordingly. Additional remarks may be added for compliance status clarification. Attach any required or supplemental documentation, sign, notarize and submit to the following address:

NC Division of Waste Management  
Attn: Brownfields Program Staff  
1646 Mail Service Center  
Raleigh, NC 27699-1646

LUR 1: No use may be made of the Brownfields Property other than for industrial, commercial, retail, office, residential, recreational, institutional, entertainment venue or open space purposes. In connection with the foregoing land uses, the following definitions apply:

- a. Industrial:
  - 1. Heavy Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing" or any use where the area occupied by outdoor storage of goods and material used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all building on the lot.
  - 2. Light Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by the outdoor storage of goods and material used in such processes does not exceed 25 percent of the floor area of all the buildings on the property. An industrial use at which no process water or wastewater is generated.
- b. Commercial: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
- c. Retail: An activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.
- d. Office: The conducting or rendering of business or professional services.

- e. Residential: A permanent dwelling, any single family, detached, duplex, triplex, quadriplex, attached or multifamily dwelling, manufactured home, mobile home, group home, boarding house or dormitory.
- f. Institutional: Public, non-profit or quasi-public use, such as for a church, library, private school, hospital, or government owned or operated building.
- g. Open Space: The land used for recreation, natural resource protection, amenities, and /or buffers. An area of land or water which is open and unobstructed, including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation.

☒ In compliance      ☐ Out of compliance

Remarks:   Retail  

LUR 2: Surface water and underground water at the Brownfields Property may not be accessed or used for any purpose without the approval of the Department of Environmental Quality ("DEQ") or its successor in function.

☒ In compliance      ☐ Out of compliance

Remarks: \_\_\_\_\_

LUR 3: No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools, or construction or excavation activities that encounter or expose groundwater) may occur on the Brownfields Property without prior sampling and analysis of groundwater to the satisfaction of DEQ or its successor in function in any areas proposed for such activities, and submittal of the analytical results to DEQ or its successor in function. If such results disclose to DENR or its successor in function contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DEQ or its successor in function on such conditions as DEQ or its successor in function imposes, including at a minimum compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the proposed activities. Petroleum underground storage tank-related activities that would otherwise violate this restriction are permissible if they are conducted to the satisfaction of DEQ's Underground Storage Tank Section.

☒ In compliance      ☐ Out of compliance

Remarks:   City water  

LUR 4: No mining may be conducted on or under the Brownfields Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

☒ In compliance

☐ Out of compliance

Remarks: \_\_\_\_\_

LUR 5: No basements may be constructed on the Brownfields Property unless they are, as determined by DEQ or its successor in function, vented in conformance with applicable building codes.

☒ In compliance

☐ Out of compliance

Remarks: \_\_\_\_\_

LUR 6: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph seven of the Brownfields Agreement ("Agreement"), may be used or stored at the Brownfields Property without the prior approval of DEQ or its successor in function, except in de minimis amounts for cleaning and other routine housekeeping activities.

☒ In compliance

☐ Out of compliance

Remarks: \_\_\_\_\_

LUR 7: The Brownfields Property may not be used as a school, defined as a use, whether privately or publicly owned, providing pre-school, elementary school, middle school, junior high school, or high school education; nor as a playground, or for child care centers.

☒ In compliance

☐ Out of compliance

Remarks: \_\_\_\_\_

LUR 8: During January of each year after the Agreement becomes effective, the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DEQ or its successor in function certifying that this Notice containing these land use restrictions remains recorded at the Wilson County Register of Deeds office, and that these land use restrictions are being complied with.

☒ In compliance

☐ Out of compliance

Remarks: \_\_\_\_\_

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice of Brownfields Property remains recorded at the Wilson County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Van Paul Etheridge, owner of at least part of the Brownfields Property on this 12 day of Sept, 2016

Name typed or printed of party making certification: Van Paul Etheridge

[Note: additional entities or owners may be added if appropriate (i.e. multiple managing members/entities)]

By: [Signature] (signature)

Name typed or printed: Van Paul Etheridge

Title typed or printed: member

NORTH CAROLINA  
Wilson COUNTY

[Signature]  
Robert Earl Bass Jr  
member

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Van Paul Etheridge, Robert Earl Bass Jr

Date: 12 Sept 16

[Signature]  
Official Signature of Notary

(Official Seal)

Scott Anderson  
Notary's printed or typed name, Notary Public

My commission expires: 19 May 2017